

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

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U.S. DISTRICT COURT
N.D. OF ALABAMA

CLAY MEANS,

Plaintiff,

vs.

CV 97-P-0023-S

HATTIE FRENCH; ROBERT SYKES;
and ROBERT JAMES,

Defendants.

ENTERED

JAN 28 1999

MEMORANDUM OF OPINION


Clay Means, a convicted federal prisoner, filed this action pursuant to 42 U.S.C. § 1983, 28 U.S.C. § 1331, and *Bivens v. Six Unknown Named Agents*, 403 U.S. 388 (1971), naming as defendants Deputy Hattie French, Deputy Robert Sykes, and Lieutenant Robert James, all of the Jefferson County Sheriff's Department, and Federal Bureau of Investigation Agent Robert Callahan. Plaintiff Means claims that the defendants violated his constitutional rights in connection with the execution of various search warrants, several arrests, and his prosecution in federal court.

On February 23, 1998, the undersigned granted plaintiff's motion to dismiss Agent Callahan. On November 23, 1998, the magistrate judge filed a report and recommendation in which it was recommended that the motions to dismiss filed by the remaining defendants, Deputies French, Sykes, and James, be granted and that this action be dismissed. The report and recommendation informed plaintiff of his right to file objections thereto and contained the following instructions: "Any objections filed must specifically identify the findings in the magistrate judge's recommendation

objected to. Frivolous, conclusive, or general objections will not be considered by the court.” Report and Recommendation at 11. Plaintiff filed objections to the report and recommendation on January 19, 1999, in which he states that he “object[s] to each and every asserted finding” in the report and recommendation. He does not, however, provide any basis for his objections and his conclusory and general statement will not be considered by the court.¹

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and the recommendation is ACCEPTED. Accordingly, the motions to dismiss filed by defendants French, Sykes, and James (Document #16 and Document #26) are due to be GRANTED, and the complaint is due to be DISMISSED. A Final Judgment will be entered.

DATED this 26th day of January, 1999.


SAM C. POINTER, JR.
CHIEF DISTRICT JUDGE

¹It is noted that plaintiff has attached to his objections the affidavits of four individuals. All of these affidavits relate to conduct allegedly committed by F.B.I. Agent Callahan, who, as noted above, was dismissed as a defendant February 23, 1998, on the motion of the plaintiff. These affidavits clearly do not have any relevance to the motions to dismiss filed by defendants French, Sykes, and James which were the subject of the magistrate judge's report and recommendation. In addition, two of these affidavits are composed entirely of inadmissible hearsay.